

OK
1/29/09
FILED

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

JAN 16 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

**IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BONDS OF)
GEORGE'S EXCAVATION)
MINING PERMIT 487ET)**

Docket No. 08-4504

ORDER OF BOND FORFEITURES

THIS MATTER came before the Wyoming Environmental Quality Council (Council) on a motion from the Wyoming Department of Environmental Quality (DEQ) for forfeiture of bonds against George's Excavation (George's). The Council, having reviewed the motion and having been otherwise fully informed, **MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. George's posted \$8,400.00 in reclamation performance bonds in the form of Letter of Credit No. 491465, held by Rawlins National Bank, Saratoga, Wyoming, in the amount of \$8,000.00; Certificate of Deposit No. 2618, in the amount of \$200.00; and Certificate of Deposit No. 2766, in the amount of \$200.00, allowing George's to conduct a limited mining operation located eight miles south of Saratoga at the junction of State roads 130 and 230, at the NW¼, SW¼, Section 16, Township 16 North, Range 83 West and the NE¼, SE¼, Section 17, Township 16 North Range 83 West, Carbon County, Wyoming
2. The DEQ issued Notice of Violation No. 4286-08 to George's on June 10, 2008, because George's failed to commence reclamation of the area disturbed

during its limited mining operation. George's executed a voluntary forfeiture form on April 17, 2007.

3. The Council approved the DEQ's request to initiate bond forfeiture proceedings against George's on September 30, 2008.

4. On October 9, 2008, the Office of the Attorney General mailed Notice of Bond Forfeiture to George's by certified mail. The notice stated that the Council would enter an order forfeiting George's bonds unless George's demanded a hearing before the Council within thirty days. George's received the notice on October 10, 2008. George's did not request a hearing within thirty days of its receipt of the Notice of Bond Forfeiture.

5. George's has executed a voluntary bond forfeiture agreement for permit 487ET. In the agreement, George's also waived its right to a hearing.

6. The record in this matter establishes that the DEQ has satisfied all requirements for bond forfeiture pursuant to WYO. STAT. ANN. § 35-11-421 for Letter of Credit No. 491465, held by Rawlins National Bank, Saratoga, Wyoming, in the amount of \$8,000.00; Certificate of Deposit No. 2618, in the amount of \$200.00; and Certificate of Deposit No. 2766, in the amount of \$200.00.

The Environmental Quality Council, being otherwise fully advised on the premises, HEREBY ORDERS:

1. The aforementioned reclamation performance bonds forfeited to the Wyoming Department of Environmental Quality, Land Quality Division, to be


used by the DEQ for the reclamation of all lands affected by George's Excavation's mining operations under permit number 487ET.

2. Any proceeds remaining after reclamation shall be subject to any claim by the people of the State of Wyoming.

3. Any funds remaining after reclamation and payment of other claims shall be returned to George's Excavation, if it can be found.

DATED this 15 day of January, 2009.

WYOMING ENVIRONMENTAL QUALITY
COUNCIL



Chairman

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 16th day of January, 2009, I served a copy of the foregoing **ORDER OF BOND FORFEITURE** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

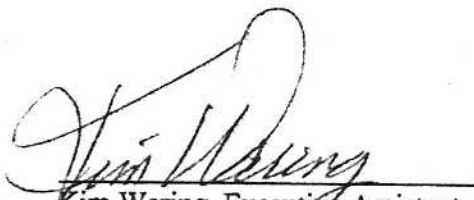
Mr. George Allen
George's Excavation
P.O. Box 231
Saratoga, WY 82331

also to the following persons via electronic mail:

John S. Burbridge
Sr. Assistant Attorney General
Jburbl@state.wy.us

Don McKenzie
Dept. Of Environmental Quality
Land Quality Division
dmcken@wyo.gov

John Corra, Director
Department of Environmental Quality
jcorra@wyo.gov



Kim Waring, Executive Assistant
Environmental Quality Council
122 W. 25th Street,
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002
Tel: (307) 777-7170
Fax: (307) 777-6134